

Notice of Allowability

Application No.

09/627,486

Examiner

Thien D Tran

Applicant(s)

NARENDHAN, PARANTHAMAN

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/21/2005.
2. ☒ The allowed claim(s) is/are 1, 4, 2, 5-11, 13, 12, 16-20, 23-34, 37-44 renumbered 1-37 respectively.
3. ☒ The drawings filed on 28 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/28/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barbara Courtney on 03/28/2005.

Claim 14 has been canceled.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 2, 5, 7, 8, and 9, the prior arts fail to teach or fairly suggest a system for real time buying and selling of bandwidth, and routing excess traffic over bandwidth purchased in real time, the system comprising:

a router optimizer connected to a router, the route optimizer receiving operating instructions, and generating the routing instruction for each input port in response thereto, the routing instruction including a first routing instruction that identifier an output port connected to a fixed capacity bandwidth provider that can receive data packets up to a first traffic level, and a second routing instruction that indicates that data packets in excess of the first traffic level are to be output to a usage-based bandwidth provider that offers capacity on an as-needed basis, in combination with other limitations as specified in the independent claims 1, 2, 5, 7, 8, and 9.

Art Unit: 2665

Regarding claim 10, the prior arts fail to teach or fairly suggest a method for handling overflow traffic for a bandwidth user that has purchased a total fixed amount of bandwidth capacity for a bandwidth user outputting traffic to an input port, the method comprising the steps of:

if the bandwidth user wishes to reroute traffic, determining if the bandwidth user has selected a provider to handle overflow traffic; and

if the bandwidth user has not selected a provider to handle overflow traffic, purchasing capacity to handle the overflow traffic when the traffic level exceeds the total fixed amount of bandwidth capacity, in combination with other limitations as specified in the independent claim 10.

Regarding claim 16, the prior arts fail to teach or fairly suggest a method for ranking a list of bandwidth providers that provide service from a start point, the bandwidth provider including backbone providers and bandwidth resellers, the method comprising the steps of:

forming a list of sellers from a modified list of backbone providers by adding bandwidth reseller to the list when the bandwidth resellers have excess capacity on a backbone provider on the list of backbone providers, and by updating the list of sellers with have more or less capacity available due to a sale, in combination with other limitations as specified in the independent claim 16.

Regarding claims 19, and 31, the prior arts fail to teach or fairly suggest a method for buying and selling Internet protocol transit comprising bandwidth, the

Art Unit: 2665

method comprising selling bandwidth in real time to users, wherein selling bandwidth in real time to user comprises:

selling fixed capacity bandwidth, wherein fixed capacity bandwidth comprises fixed blocks of bandwidth, including multiple fixed blocks of bandwidth from multiple backbone providers; and

selling usage based bandwidth, wherein usage based bandwidth comprises bandwidth to handle bursts of traffic that exceed the fixed blocks of bandwidth, in combination with other limitations as specified in the independent claims 19 and 31.

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2665

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

DUCHO
PRIMARY EXAMINER

Ducho

3-30-05